



DATE: July 25, 2022

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Jessica Jagoe, City Planner

SUBJECT: Planning Case #22-012 – Public Hearing Required
Applicant: Launch Properties
Property Location: 3737 Lexington Avenue N. & 1133 Grey Fox Road
Request: Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, Conditional Use Permit, and Site Plan Review

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider

Motions to approve, table, or deny the following:

- Planning Case 22-012 and adoption of Resolution 2022-039 and Resolution 2022-040 for the Launch Properties Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, Conditional Use Permit, and Site Plan Review on 3737 Lexington Avenue N. and 1133 Grey Fox Road to redevelop the parcels with two separate one-story buildings, one approximate 4,900 square foot drive-through car wash and one 8,950 square foot multi-tenant retail building.

Approval of a PUD requires an affirmative vote of four councilmembers.

Background

The Applicant has submitted a land use application for Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, Conditional Use Permit, and Site Plan Review, proposing to redevelop a 2.48-acre site located at 3737 Lexington Avenue N. and 1133 Grey Fox Road. The site is currently developed with a vacant industrial building and associated parking lot. The applicant is proposing to demolish the existing building and redevelop the site. Lot 1 would be for a new +/- 4,900 square foot drive-through car wash for Rocket Car Wash. Lot

2 would be a multi-tenant building with a +/- 8,950 square foot building developed for Panera (~3,500 square feet), Pacific Dental (~3,000 square feet), and Bank of America (~2,200 square feet). The Subject Property would remain two lots and function as a single entity with shared site operations such as parking, access, snow removal, etc. as part of the Planned Unit Development (PUD).

Requested Action

1. Planned Unit Development

A Planned Unit Development (PUD) is required for all new development and redevelopment in the B-3 District. In addition, a PUD would allow for performance standard flexibility. This proposal involves both the initial Master Plan PUD and the Final PUD.

2. Conditional Use Permit

A Conditional Use Permit is required for Drive-in businesses/Drive-up windows/Fast food restaurants and Vehicle – Motorized Service which includes a car wash as a principal use since it provides “maintenance services” for motorized vehicles in the B-3 district. Typical factors to consider in evaluation of the CUP request may be hours of operation, noise from equipment (washers, blowers and vacuums), lights from vehicles, and queuing of vehicles waiting for service. City Code Section 1355.04 Subd. 3 of the Arden Hills Zoning Code lists the criteria for evaluating a Conditional Use Permit. The City Council should consider the effect of the proposed use upon the health, safety, convenience and general welfare of the owners and occupants of the surrounding land and the community, in general, including but not limited to the following factors:

1. Existing and anticipated traffic and parking conditions;
2. Noise, glare, odors, vibration, smoke, dust, air pollution, heat, liquid or solid waste, and other nuisance characteristics;
3. Drainage;
4. Population density;
5. Visual and land use compatibility with uses and structures on surrounding land;
6. Adjoining land values;
7. Park dedications where applicable;
8. Orderly development of the neighborhood and the City within the general purpose and intent of the Zoning Code and the Comprehensive Development Plan for the City.

Findings of Fact

The Planning Commission reviewed this application at their July 6, 2022 meeting and have offered the following findings of fact for your consideration:

1. The property located at 3737 Lexington Avenue N. and 1133 Grey Fox Road is designated for Commercial uses on the 2040 Comprehensive Plan.
2. New building construction or site modification identified requires the submittal of a Site Plan Review application prior to construction.
3. For proposals for new construction, redevelopment of a site, and significant modifications to existing sites a PUD is required.

4. The PUD process allows for flexibility within the City's regulations through a negotiated process with a Developer.
5. The Applicant has proposed a Master and Final Planned Unit Development in order to develop the property with shared access, parking, and maintenance between the two parcels.
6. The Master and Final Planned Unit Development generally conforms to the requirements of the City Zoning Code and design standards.
7. Where the plan is not in conformance with the City Code, flexibility has been requested by the Applicant.
8. Flexibility through the PUD process has been requested in the following areas: building positioning, building materials, transparency, drive-through facilities, and wall signage.
9. A public hearing for a Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, and Conditional Use Permit request is required before the request can be brought before the City Council.
10. The Planning Commission conducted a public hearing on July 6, 2022.

Options and Motion Language

The Planning Commission reviewed this application at their July 6, 2022 meeting. At that time, they recommended approval with conditions of the Launch Properties application for a Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, Conditional Use Permit, and Site Plan Review by a 7-0 vote. The following are motion language options for the City Council to consider.

1. Approve with Conditions: Motion to *approve* Planning Case 22-012 and Resolution 2022-039 and Resolution 2022-040 for a Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, Conditional Use Permit, and Site Plan Review at 3737 Lexington Avenue N. and 1133 Grey Fox Road, based on the findings of fact and the submitted plans, as amended by the conditions in the July 25, 2022 Report to the City Council:
 1. The project shall be completed in accordance with the submitted plans as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
 2. The Master and Final Planned Unit Development approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted by the City Council. The City Council may extend the expiration date of such approval upon written application by the person to whom the approval was granted.
 3. A violation of any condition set forth in the permit shall be a violation of this Code, and shall be cause for revocation of the permit.
 4. A Master and Final PUD Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Master and Final PUD Development Agreement shall be fully executed prior to the issuance of building permits.
 5. The applicant shall file the Final Plat with Ramsey County within 180 days of the approval from the City.

6. Prior to the issuance of a building permit, a landscape financial security equal to 125% of the cost of the landscaping to be installed on the site shall be submitted. The Applicant must submit a detailed cost estimate for the landscaping so staff can determine the final amount. Landscape financial security shall be held for two full growing seasons. For any landscaping that is not in accordance with the approved landscaping plan at the end of two growing seasons, the Developer shall replace the material to the satisfaction of the City before the guarantee is released. Where this is not done, the City, at its sole discretion, may use the proceeds of the performance guarantee to accomplish performance.
7. A Grading and Erosion permit shall be obtained from the city's Engineering Division prior to commencing any grading, land disturbance or utility activities. The Applicant shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, MPCA, Rice Creek Watershed District, MnDOT and Ramsey County prior to the start of any site activities.
8. Prior to the issuance of a grading permit, all items identified in the June 20, 2022 Engineering Division memo shall be addressed. All comments shall be adopted herein by reference.
9. The final plans shall be subject to approval by the City Engineer, Building Official, and Fire Marshal prior to the issuance of a grading and erosion control permit.
10. Final grading, drainage, utility, and site plans shall be subject to approval by the Public Works Director, City Engineer, and City Planner prior to the issuance of a grading and erosion control permit or other development permits.
11. Upon completion of grading and utility work on the site, a grading as-built and utility as-built shall be provided to the City for review.
12. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Developer during construction to ensure that sediment and storm water does not leave the project site.
13. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Applicant.
14. A right-of-way permit shall be required for work performed within the City right-of-way.
15. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses.
16. All rooftop or ground mounted mechanical equipment shall be hidden from view with the same materials used on the building in accordance with City Code requirements.
17. A separate sign permit shall be required for all signs on the site.
18. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.

19. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be memorialized in the Development Agreement.
 20. All disturbed boulevards shall be restored with sod. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
 21. The Applicant shall provide an agreement for shared management and maintenance of the site access, parking areas, landscaping, snow removal and common areas for the City Attorney to review and for the City Council's approval prior to the approval of the Master and Final PUD Development Agreement.
 22. The proposed structures shall conform to all other regulations in the City Code.
 23. The Applicant shall provide a copy of the Stormwater Management Report and verification of Rice Creek Watershed approval prior to the approval of Development Agreement.
 24. The Applicant shall reduce the menu board signage for the fast food restaurant in the multi-tenant building to be compliant with Section 1240.04.
 25. The Applicant shall be required to pay a park dedication fee equivalent to the City's portion of the cost for the sidewalk installation along Lexington Avenue as part of the Lexington Avenue Road Improvement Project as well as the supplementary difference of landscaping coverage in lieu of plantings.
2. Approve as Submitted: Motion to *approve* Planning Case 22-012 and adoption of Resolution 2022-039 and Resolution 2022-040 for a Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, Conditional Use Permit, and Site Plan Review at 3737 Lexington Avenue N. and 1133 Grey Fox Road, based on the findings of fact and the submitted plans in the July 25, 2022 Report to the City Council.
 3. Denial: Motion to *deny* Planning Case 22-012 and adoption of Resolution 2022-039 and Resolution 2022-040 for a Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, Conditional Use Permit, and Site Plan Review at 3737 Lexington Avenue N. and 1133 Grey Fox Road, based on the following findings: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
 4. Table: Motion to *table* Planning Case 22-012 and adoption of Resolution 2022-039 and Resolution 2022-040 for a Preliminary Plat, Final Plat, Master Planned Unit Development, Final Planned Unit Development, Conditional Use Permit, and Site Plan Review at 3737 Lexington Avenue N. and 1133 Grey Fox Road: *a specific reason and information request should be included with a motion to table.*

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on June 21, 2022. Pursuant to Minnesota State Statute, the City must act on this request by August 19, 2022 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. With consent of the applicant, the City may extend the review period beyond the initial 120 days.

Attachments

- A. Resolution 2022-039, 3737 Lexington Avenue N.
- B. Resolution 2022-040 1133 Grey Fox Road
- C. City Council Presentation